

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) CRIM NO. 04-10342-NG
)
GARY ADAMS)
)

GOVERNMENT'S OBJECTION TO PROPOSED DOWNWARD DEPARTURE

The United States of America, by and through United States Attorney Michael J. Sullivan and Assistant United States Attorney James P. Dowden, hereby opposes the Court's proposed downward departure of defendant Gary Adams' ("Adams") criminal history category pursuant to section 4A1.3 of the Advisory Sentencing Guidelines. As grounds for this opposition, the government states that Adams' criminal history category does not overstate the seriousness of his five prior predicate convictions. Moreover, Adams' criminal history - which includes drug offenses that span a ten year period - indicates that he is likely to commit crimes in the future. Accordingly, the government believes that a sentence of sixty-months imprisonment (a sentence within the applicable Advisory Guidelines range) is an appropriate and fair sentence pursuant to 18 U.S.C. §3553.

Background

Prior to the Court's May 10, 2007 sentencing hearing, the parties did not contest the Probation Office's calculation of Adams' Advisory Guidelines sentence range of 57-71 months

imprisonment. This range is predicated on a total offense level of 21 (including a three point reduction for acceptance of responsibility) within criminal history category IV. Under the Advisory Guidelines, Adams received seven criminal history points based upon his five prior adult convictions and two additional points because the instant offense (unlawful possession of ammunition by a convicted felon) was committed less than two years following his release from custody on narcotics distribution charges. Adams' prior qualifying offenses include the following:

- (1) September 14, 1994 conviction for (among other charges) possession of a Class B substance (cocaine) (1 criminal history point). Adams was originally charged with distribution of a Class B substance in this matter.¹
- (2) May 15, 1995 conviction for (among other charges) possession of a Class B substance (cocaine) (1 criminal history point). On this occasion, Adams was again originally charged with distribution of a Class B substance.²
- (3) May 3, 2002 conviction for larceny over \$250 (1 criminal history point). On this occasion, Adams stole \$949.51 from the Walgreens store where he was employed.
- (4) April 3, 2002 conviction for (among other charges) possession of a Class D substance, assault and battery on a police officer, resisting arrest and escape from a police officer (2 criminal history points).³

¹ A copy of docket report for this arrest (reflecting the initial distribution charge) is attached hereto as Exhibit 1

² A copy of the police report for this arrest (reflecting the initial distribution charge) is attached hereto as Exhibit 2.

³ A copy of the police report for this arrest (reflecting that Adams engaged in a "violent struggle" with a police officer

(5) October 31, 2002 conviction for (among other charges) possession to distribute a Class D Substance, receiving a stolen motor vehicle and a drug violation in a school zone (2 criminal history points).

At sentencing, the Court indicated that it believed a criminal history category of IV overstated Adams' prior criminal history. The Court further stated that under the Advisory Guidelines, it believed that Adams' prior convictions reflect the seriousness of a criminal history category II (with a guideline range of 41-51 months) and that it was inclined to impose a sentence of time-served (Adams has been in federal custody in connection with the instant matter since October, 2004 - *i.e.*, approximately 31 months). The Court then continued the sentencing hearing to allow the government to respond to the Court's proposed departure.

I. Adams' criminal history category does not overstate the seriousness of his prior criminal record.

Section 4A1.3 of the Advisory Sentencing Guidelines authorizes a downward departure in circumstances where "reliable information indicates that the defendant's criminal history category substantially over-represents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes." U.S. SENTENCING GUIDELINES MANUAL §4A1.3 (2006). Application Note 3 specifically illustrates those circumstances in which a downward departure may be warranted,

during a traffic stop) is attached hereto as Exhibit 3.

stating, “[a] downward departure ... may be warranted if, for example, the defendant had two minor misdemeanor convictions close to ten years prior to the instant offense and no other evidence of prior criminal behavior in the intervening period.” U.S. SENTENCING GUIDELINES MANUAL § 4A1.3, application note 3 (2006).

In Adams’ case there is no “reliable information” that indicates that his criminal history score overstates the seriousness of his criminal history. To the contrary, Adams has five prior convictions that span a ten-year period. United States v. Mayes, 332 F.3d 34, 37 (1st Cir. 2003) (finding defendant’s criminal history category was not overstated, because “far from mere aberrant behavior, [defendant] accumulated four convictions for either possessing or distributing illicit drugs during [an] eight year period.”); United States v. Black, 78 F.3d 1, 9 (1st Cir. 1996) (pointing to “frequency” of prior offenses as “an indicium that defendant would recidivate.”). Although two of Adams’ earliest qualifying convictions (the September 14, 1994 and May 15, 1995 convictions for possession of cocaine) are misdemeanor offenses, it bears noting that both of these offenses were initially charged as felony distribution offenses. See Exhibits 1,2. Thus, to the extent there is “reliable information” concerning the seriousness of these prior offenses, it would appear that these offenses are more (and not less) serious than what is reflected by his criminal history

points.

Furthermore, Adams' 1994 and 1995 drug convictions are not remote isolated incidents from his past. See U.S. SENTENCING GUIDELINES MANUAL § 4A1.3, application note 3 (2006); Mayes, 332 F.3d at 38 (noting that defendant's "offenses were committed in rapid succession). Rather, Adams has engaged in a on-going pattern of criminal behavior since these convictions. See, e.g., Mayes, 332 F.3d at 37; United States v. Chapman, 241 F.3d 57, 64 (1st Cir. 2001) (noting defendant's tendency to promptly recidivate). In the intervening ten-year time period, Adams was convicted of (1) assault and battery on a police officer; (2) a larceny involving the left of close to \$1,000 from his employer; and (3) a serious narcotics and distribution offense for which he received a one-year prison sentence. United States v. Fahm, 13 F.3d 447, 451 (1st Cir. 1994) (recidivism is more likely where defendant repeatedly committed the same type of crime as the offense of conviction); Mahoney v. United States, 70 F.3d 1252, *1 (finding "no merit" to argument that defendant's criminal history category was overstated when he had five countable misdemeanor convictions) (unpublished per curiam opinion). All of these offenses indicate that Adams has been involved in increasingly serious criminal conduct since his first qualifying convictions in 1994-1995. See United States v. Snyder, 235 F.3d 42, 51 n.9 (1st Cir. 2000) (stating that assault and battery on a

police officer is "hardly [a] minor crime[.].") . Furthermore, Adams committed the instant offense (unlawful possession of ammunition by a convicted felon) less than two years after his release from prison on the narcotics distribution conviction.

See, e.g., United States v. Hoyle, 237 F.3d 1, 8 (1st Cir. 2001) (finding criminal history category was not overstated in part because "the defendant not only had two prior felony convictions but committed the final charged offense only a year-and-a-half after he was released from prison but while still on parole for federal drug trafficking."); cf. United States v. Doe, 18 F.3d 41, 47 (1st Cir. 1994) (commission of offense while on probation is an aggravating factor relevant to departure decision).

Adams' recent criminal history shows that he has not learned any lessons from his prior convictions, but rather has continued to engage in increasingly serious criminal behavior. See Mayes, 332 F.3d at 37 (noting that defendant's prior "lenient sentences ... ranging from 6 to 24 months, generated little, if any, deterrent effect."); United States v. Craven, 239 F.3d 91, 99-100 (1st Cir. 2001) ("The touchstone of extraordinary rehabilitation is a fundamental change in attitude"). His recent convictions (including his 2002 narcotics distribution and assault convictions) do not merely reflect an individual who has associated with negative influences in the past. Rather, they evidence an individual who has shown a proclivity to engage in

criminal behavior. United States v. Gendraw, 337 F.3d 70,73 (1st Cir. 2003) (finding criminal history was not overstated because defendant "has been given the benefit of the doubt many times, yet he has wholly failed to reform himself."). In these circumstances, the government believes that a criminal history category of IV under the Advisory Guidelines does not overstate the seriousness of Adams' criminal past and the likelihood that he will commit future crimes.

II. A sixty-month sentence is a sufficient but not greater than necessary punishment.

The government believes that a sixty-month sentence (a sentence at the low end of Adams' Advisory Guideline range) is a fair and reasonable sentence that is sufficient but not greater than necessary to effectuate the purposes of 18 U.S.C. §3553. See United States v. Jimenez-Beltre, 440 F.3d 514, 518-19 (1st Cir. 2006) (holding Advisory Guidelines remain the starting point of sentencing determination). As detailed above, Adams has engaged in a consistent pattern of criminal behavior over the course of the last ten years. His prior offenses include a serious drug offense and an assault on a police officer. See 18 U.S.C. §3553(a) (1) (sentence should reflect "the nature and circumstances of the offense and the history and characteristics of the defendant"). He has received relatively lenient sentences in connection with these prior offenses, yet he has not taken advantage of these opportunities to change his life. See U.S.C.

§3553(a)(2)(B) (sentence needs to "afford adequate deterrence to criminal conduct").

Moreover, the instant offense is a serious firearms charge. Adams possessed an unregistered gun (and ammunition) in a crowded city neighborhood while he was consuming alcoholic beverages. It is well-documented that unregistered guns pose a serious risk to the safety of the community - particularly when such a gun is possessed by a convicted felon like Adams who has demonstrated his willingness to engage in criminal (and violent) behavior. See U.S.C. §3553(a)(2)(C) (sentence needs to "protect the public from further crimes of the defendant."). Finally, there is nothing unique about Adams' situation that warrants a substantial deviation from the Advisory Guidelines sentence range. See 18 U.S.C. §3553(a)(6) (a sentence should "avoid unwarranted ... disparities among defendants with similar records who have been found guilty of similar conduct."). While Adams no doubt has the support of a loving family, he has failed to take advantage of this love and support in the past. And, his recent criminal past demonstrates that his family support has not - and likely will not - sufficiently deter him from engaging in criminal behavior. In light of all of these factors, the government believes that a sentence of sixty-months imprisonment is a fair and just

punishment.⁴ See 18 U.S.C. §3553(a)(2)(A) (sentence "needs ... to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.").

Conclusion

For the foregoing reasons, the United States objects to a downward departure of Adams' criminal history category and believes that the Court should impose a sentence of sixty-months imprisonment.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ James P. Dowden
James P. Dowden
Assistant U.S. Attorney

May 21, 2007

⁴ In addition, the government recommends that Adams sentence include a two-year period of supervised release, a \$7,500 fine and a \$100 mandatory special assessment.

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 21, 2007.

/s/ James P. Dowden

James P. Dowden
Assistant U.S. Attorney

COURT DIVISION
DORCHESTER
0042176372

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

JOSEPH ADAMS
60 Hazelton St.
Mattapan, MADEF. DOB AND SEX
9/2/76OFFENSE CODE(S)
802/900aDATE OF OFFENSE
9/12/94PLACE OF OFFENSE
67 Sumner St.

COMPLAINANT

P.O. Michael Linskey

POLICE DEPARTMENT (if applicable)

AGVU

DATE OF COMPLAINT
9/13/94RETURN DATE AND TIME
Arrest

COUNT-OFFENSE

a) DRINK. ALCON. BEV. PUB. WAY ORD. 14, S312

 Waived
 Retained
 Assigned

TERMS OF RELEASE

100 CASH

1-9-95
300 Cash

DATE

9/13/94

- Arraigned before J. COFFEY
- Advised of right to counsel
- Advised of right to drug exam
- Advised of right to bail review
- Advised of right to F.I. Jury Trial
- Waives Requests F.I. Jury Trial
- Advised of alien rights
- Warrant issued Default warrant issued
- Default removed Warrant recalled
- Warrant issued Default warrant issued
- Default removed Warrant recalled

PROCEEDING

11-397

11-9-95

- Default removed Warrant recalled
- Warrant issued Default warrant issued
- Default removed Warrant recalled

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11-9-95

- Default removed Warrant recalled

FINE SURFINE COSTS TOTAL DUE

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DATE	DOCKET ENTRIES
9/13/84	Cash B&I 100.00
11-5-94	DF warr issue bail for
11/03/94	DEFAULT WARRANT ISSUED TO AGVU (Th).
11/7/94	Bail Forfeited : \$100.00
1-9-95	Deft. bef CT, warr. Enclosed (12)
1-9-95	Bail Set at \$300 - Cash Case cont. to 1/19/95 for PTH.
→ 3 (B&G)	My Crown Appointed a Wmky (Bail Warming Grm)
01.09.95	Mitt Issued pamela
1/9/95	Deft bef CT on def. warr. warr. recl. (Th).
1/18/95	Cash bail: \$ 300.00
1/19/95	300 - 7849 Sze
JAN 26 1995	<p><u>A</u> ABSTRACT SENT TO R.M.V. ABSTRACT GIVEN TO DEFENDANT IN HAND</p> <p>I HEREBY CERTIFY THAT THIS IS A TRUE COPY, GIVEN UNDER MY HAND AND SEAL THIS 5TH DAY OF MAY 2005</p>
	CLOSED
01-25-00	BY

DOCKET		ADDITIONAL COUNTS	Page 2 of 2	DOCKET NUMBER 9407CR5795 JOSEPH ADAMS CW		
COUNT-OFFENSE B) CLASS B SUB. W/INT. TO DISTRIB CAC 532		FINE PSF		SURFINE SO WWT	COSTS	TOTAL DUE
DATE 1-19-95	PLEA <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts	IMPRISONMENT AND OTHER DISPOSITION G. Probation 1-19-96				
	FINDING JUDGE Jeffrey SF					
	<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.	FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation				
COUNT-OFFENSE		FINE		SURFINE	COSTS	TOTAL DUE
DATE	PLEA <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts	IMPRISONMENT AND OTHER DISPOSITION I HEREBY CERTIFY THAT THIS IS A TRUE COPY, GIVEN UNDER MY HAND AND SEAL THIS 5 DAY OF MAY 2005				
	FINDING JUDGE					
	<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.	FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation				
COUNT-OFFENSE		FINE		SURFINE	COSTS	TOTAL DUE
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	FINDING JUDGE					
	<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.	FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation				
JNT-OFFENSE		FINE		SURFINE	COSTS	TOTAL DUE
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COUNT-OFFENSE		FINE		SURFINE	COSTS	TOTAL DUE
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	FINDING JUDGE					
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COUNT-OFFENSE		FINE		SURFINE	COSTS	TOTAL DUE
DATE	PLEA <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> New Plea: <input type="checkbox"/> Admits suff. facts	IMPRISONMENT AND OTHER DISPOSITION				
	FINDING JUDGE					
	<input type="checkbox"/> Cont. w/o finding until: <input type="checkbox"/> Appeal of find. & disp. <input type="checkbox"/> Appeal of disp.	FINAL DISPOSITION <input type="checkbox"/> Discharged from probation <input type="checkbox"/> Dismissed at request of probation				

01. NEW SITUATION		02. LICENSED PREMISES		03. COMPLAINT NO.		04. REPORT DATE		CLEARANCE DATE		W/C		1 OF			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> ELDERLY <input type="checkbox"/> LICENSED PREMISES		02. COMPLAINT NO. 50-216024		04. REPORT DATE 5-3-07		CLEARANCE DATE 5-28-07		W/C 1		1 OF 2			
05. TYPE OF INCIDENT		06. CRIME CODE		07. STATUS: <input type="checkbox"/> INACTIVE <input type="checkbox"/> UNFOUNDED ARREST <input type="checkbox"/> UNDER 18 <input type="checkbox"/> EXCEPT 18 <input type="checkbox"/> UNDER 11		07. DATE OF OCCUR 5-13-95									
08. LOCATION OF INCIDENT IND. STREET (INTERSECTION-ALPHA ORDER)		09. APT.		10. DISPATCH TIME 0/S		11. TIME OF OCCUR 5:25									
7 CORBERT ST. DORCHESTER				12. PHONE N/R		13. SEX M		14. RACE WHITE		15. MARITAL STATUS MARRIED					
16. ADDRESS IND. STREET, CITY AND STATE IF OTHER THAN BOSTON OR NAME		17. APT.		18. OCCUPATION N/A		19. APT.		20. PHONE P.D. J. FREEMAN DET P MURPHY		21. PHONE					
22. WAS THERE A WITNESS TO THE CALL?		23. LOCATION OF INTERVIEW		24. HOME ADDRESS		25. TEL		26. REC'D BY		27. TEL		28. TEL			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO															
29. ARREST <input type="checkbox"/> Warrant <input type="checkbox"/> No. 37, Warrant No. 31, 100H-286		30. NAME, LAST, FIRST, M.I.		31. BORN NO. 0276076015		32. BORN NO. 25-556-03		33. MARRIED NO		34. ALIENS		35. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
		ADAMS GARY J.													
36. SPECIAL CHARACTERISTICS INCLUDING CLOTHING: DK BLUE PANTS BIK BOOTS BIK KNEE PAD, BIK SICKER JKT, PURPLE SWEAT SHIRT		37. WEIGHT 140		38. HEIGHT 5'8"		39. AGE 18		40. HAIR SLIM		41. EYES BIK		42. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
43. OWN/RENT VEHICLE OR DESCRIBE		44. REC ESTATE NO.		45. PLATE TYPE		46. YEAR (EX-4)		47. MODEL		48. REC'D BY		49. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
45. OWN/RENT VEHICLE OR DESCRIBE		46. REC ESTATE NO. N/A		47. PLATE TYPE		48. YEAR (EX-4)		49. MODEL		50. REC'D BY		51. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
51. VEHICLE MAKE/YEAR		52. VEHICLE NO.		53. STATE		54. CITY OR TOWNSHIP		55. OWNER'S ADDRESS		56. OWNER'S ADDRESS		57. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
51. VEHICLE MAKE/YEAR		52. VEHICLE NO.		53. STATE		54. CITY OR TOWNSHIP		55. OWNER'S ADDRESS		56. OWNER'S ADDRESS		57. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
58. OWN PROPERTY OR IDENTIFICATION		59. SERIAL OR IDENT. NO.		60. BRAND NAME/DESCRIPTION		61. MODEL		62. VALUE		63. W/H		64. REC'D BY			
58. OWN PROPERTY OR IDENTIFICATION		59. SERIAL OR IDENT. NO. S P/B'S		60. BRAND NAME/DESCRIPTION BEIGE ROCK		61. MODEL CRACK COCAINE		62. VALUE		63. W/H		64. REC'D BY			
65. DESCRIPTION OF SUSPECT		66. NEIGHBORHOOD		67. TYPE OF BUILDING		68. PLACE OF ENTRY		69. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		70. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		71. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
65. DESCRIPTION OF SUSPECT		66. NEIGHBORHOOD RES		67. TYPE OF BUILDING N/A		68. PLACE OF ENTRY N/A		69. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		70. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		71. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
72. WEATHER		73. DAY		74. TRANSPORTATION OF SUSPECT (CAR, FOOT, MOTO, ETC.)		75. VICTIM'S ACTIVITY		76. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		77. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		78. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
72. WEATHER CLOUDY		73. DAY DAY		74. TRANSPORTATION OF SUSPECT (CAR, FOOT, MOTO, ETC.) FOOT		75. VICTIM'S ACTIVITY N/A		76. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		77. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		78. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
79. JURISDICTION		80. NEIGHBORHOOD		81. TRANSPORTATION OF SUSPECT (CAR, FOOT, MOTO, ETC.)		82. VICTIM'S ACTIVITY		83. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		84. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		85. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
79. JURISDICTION N/A		80. NEIGHBORHOOD RES		81. TRANSPORTATION OF SUSPECT (CAR, FOOT, MOTO, ETC.) N/A		82. VICTIM'S ACTIVITY N/A		83. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		84. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		85. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
86. WHETHER OR NOT OTHER PERSON REPORTED THE INCIDENT (REASON BELOW)		87. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		88. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		89. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		90. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		91. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		92. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
86. WHETHER OR NOT OTHER PERSON REPORTED THE INCIDENT (REASON BELOW)		87. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		88. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		89. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		90. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		91. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		92. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
93. NARRATIVE AND ADDITIONAL INFORMATION		94. ABOUT 5:25 PM THE ABOVE OFFICERS OF THE DSI DUTAKED TO 8:3		95. OBSERVED THE ABOVE SUSPECT WALKING FROM NELSON ST OUT TO CORBERT ST		96. AS OFFICERS APPROACHED SUSPECT MADE EYE CONTACT WITH OFFICERS AND		97. CONTINUED WATCHING OFFICERS AS THEY DROVE BY. OFFICERS CONTINUED TO		98. MONITOR SUSPECT THROUGH THE VEHICLE REAR VIEW MIRROR AND OBSERVED		99. SUSPECT WITH HIS HEAD TURNED OVER HIS SHOULDER MONITORING THE OFFICERS.		100. OFFICERS RETURNED TO 7 CORBERT ST TO INVESTIGATE FURTHER AT WHICH TIME	
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101. UNIT ASSIGNED		102. TIME OF DUTY		103. REPORTING OFFICER'S SIGNATURE		104. REPORTING OFFICER'S ID		105. PARTNER'S ID		106. REC'D BY		107. REC'D BY			
101. UNIT ASSIGNED V851		102. TIME OF DUTY 3		103. REPORTING OFFICER'S SIGNATURE P.D. J. FREEMAN, JR.		104. REPORTING OFFICER'S ID 9014		105. PARTNER'S ID 8689		106. REC'D BY		107. REC'D BY			
108. DATE OF REPORT		109. SPECIAL UNITS NOTIFIED (REPORTING)		110. SIGNATURE OF PATROL SUPERVISOR		111. REC'D BY		112. REC'D BY		113. REC'D BY		114. REC'D BY			
108. DATE OF REPORT 5/13/95		109. SPECIAL UNITS NOTIFIED (REPORTING)		110. SIGNATURE OF PATROL SUPERVISOR		111. REC'D BY		112. REC'D BY		113. REC'D BY		114. REC'D BY			
115. TIME COMPLETED		116. SIGNATURE OF PATROL SUPERVISOR		117. REC'D BY		118. REC'D BY		119. REC'D BY		120. REC'D BY		121. REC'D BY			
115. TIME COMPLETED 1734		116. SIGNATURE OF PATROL SUPERVISOR		117. REC'D BY		118. REC'D BY		119. REC'D BY		120. REC'D BY		121. REC'D BY			



Massachusetts State Police
Incident Report
State Police Milton



Incident #: 2002-0H7-0168

Incident Report

Date: 2/15/02

Narcotics

Time: 1435 hrs

Court Location: DORCHESTER CRT

Investigating Officer: Trooper Baker, Paul F 2597 @ H-HQ - CAT Team

Involves 209A Abuse? No

Location: BOSTON: CORBET STREET

Driver: ADAMS, Gary

CSI7200200271

11 BROOKVALE ST DORCHESTER, MA 02124

Phone: () -

SSN: 027-60-7615 D/O/B: 09/02/1976 Age: 26 Sex: Male Race: Black Non-Hispanic

Height: 5ft 06in Weight: 150 lbs Hair: Brown Eyes: Brown Build: Medium

BirthPlace: BOSTON Marital Status: Single Complexion: Dark

Father: GARY Mother: SANDRA JOHNSON Spouse:

Offense(s):

268-17 ESCAPE FROM OFFICER, AID

268-32-b RESIST ARREST

265-13D-a A&B ON POLICE OFFICER

94C-34-g DRUG, POSSESS CLASS D

90-23-h REGISTRATION SUSPENDED, OP MV WITH

90-34j UNINSURED MOTOR VEHICLE

90-6 NUMBER PLATE VIOLATION *

90-23- GNUMBER PLATE VIOLATION TO CONCEAL ID

Alias:Peculiarities:Vehicle Information:

Operator State & #: MA 530340835 Class: Class D Lic. Status: Active Lic. Exp.: 9/2/02

Date of Susp/Revocation:

Reason:

DUARTE, Flora C

BX 2947 TAUNTON MA 02124

Vehicle State & Reg: MA 4824TG

Veh Year: 1989

Make/Model: TOYOTA COROLLA

VIN:

Veh Type: Pickup

Veh Color: BLUE

Reg Issue: 5/8/01

Reg Exp: 4/3/02

Reg Rev/Susp: 9/1/01

Reason: Insurance Cancellation

M/V Stolen? No

Evidence Seized? No

Inventory Attached? No

Investigating Officer's Signature

Trooper Baker, Paul F 2597

State Police Milton

685 Hillside St.

Milton, MA 02186

Reviewed By

Incident #:2002-0H7-0168

Date: 2/15/02

Time: 1435 hrs

Incident Report

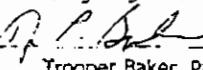
Narcotics

Court Location: DORCHESTER CRT

Incident Gist:

1. On above date and time, while commuting back to court from lunch, I observed a Toyota Corolla to pass my location on Blue Hill Ave. with a number plate violation (missing front plate). I activated the emergency overhead lights and attempted to stop same. The MV made a right onto Norfolk St. and then another right onto Corbett St. before stopping. I approached the operator, later identified by a MA license as Gary Adams, and asked for a license and registration. I was provided with a license and a title for the MV. At this time, I observed a strong odor of marijuna coming from the interior of the MV. I then had Adams step from the MV and proceed to the rear of the MV. I then performed a pat frisk of same. A glass vial containing marijuna residue was located in his left front pocket. This was then placed on the roof of the MV. Adams began to get exceptionally fidgety and was placed in handcuffs for my safety. I then placed Adams in the rear of Cr 768 as a MV search was conducted. Tpr. Hubbard was summonsed at this time to provide back up.
2. As the MV search was conducted, a large glassine bag filled with marijuna was located under the front seat. The marijuna was secured in the front of my gunbelt and as I looked back toward the Cr, I observed that Adams was not visible. I approached the Cr and observed Adams laying on his side in the rear of the Cr. I asked Adams to sit up several times before I attempted to physically sit Adams up. At this time, Adams struck me in the chest with his foot and then exited the Cr. I immediately began to attempt to secure Adams and found that Adams had slipped the handcuff off of one wrist. A violent struggle ensued and continued for several minutes as I attempted to subdue Adams. At one point in the struggle Adams was being placed under control when he spun and attempted to secure this officers firearm. The weapon was retained and I then attempted to secure same while securing my weapon. During the struggle I ended up pulling off Adams sweatshirt and two T-shirts. Adams broke free and I pursue same until I lost him over several fences in backyards.
3. I then proceeded to Dorchester Copurt and secured a warrant for Adams' arrest for above charges. The clerk of Dorchester Court advised that I should still submit a police report and a complaint sheet for above charges on Tuesday. Adams license, the title to the MV, and the MV were seized. The marijuna was inventoried, and secured in the H-7 locker.
4. Case closed.

Investigating Officer's Signature



Trooper Baker, Paul F 2597

State Police Milton

685 Hillside St.

Milton, MA 02186

Reviewed By